

## ANNEX K (U.S. COAST GUARD)

### **REFERENCES:**

- a. 33 CFR **Parts** 6, 126, 160
- b. 46 **CFR** Chapter I
- c. 49 CFR Chapter I
- d. MOU Between DoD and DoT Concerning Port Readiness, 7 Feb 1985

### **1. GENERAL**

a. This Annex outlines areas of responsibilities pertinent to the U.S. Coast Guard for **deployment** of toxic chemical munitions (**TCM**).

b. In peacetime, the U.S. Coast Guard is a military service under the administration of the Secretary of Transportation. When war is declared, or when the President directs, the Coast Guard will operate as a service under the Secretary of the Navy. During a peace-to-war transition or other national emergency, the Coast Guard may or may not come under the command of the Navy.

c. In peacetime or war, the Coast Guard is responsible for enforcing the laws **of** the United **States** as they pertain to navigation, shipping, and the safety of life and property on U.S. waters; and for ensuring the safety and security of the nation's seaports and **waterfront** facilities.

d. The "Captain of the Port" (**COTP**) is a Coast Guard Officer, under the command of a Coast Guard District Commander, designated by the Commandant for the purposes of giving immediate direction to Coast Guard law enforcement activities within his assigned area.

### **2. RESPONSIBILITIES**

a. The Multi-Agency MOU on Port Readiness, of which **USCG, MTMC,** and MSC are signatories, has as its purpose the enhancement of the mobility of strategic cargo through commercial **SPOEs** by ensuring coordination and cooperation among these and other agencies.

b. Under the statutes and regulations **identified** in the MOU, the Coast Guard **COTP** has responsibility for the following duties relating to the transport of TCM:

(1) During a national emergency or Presidential determination of endangered national security, controls movement of vessels in U.S. ports; provides permanent port security regulations; makes regulations to prevent damage to harbors **and** vessels.

(2) Port safety authority for the protection of ports as transportation facilities; operates Vessel Traffic Services to aid against degradation of the marine environment and to enhance safety.

(3) Enforces regulations to control or eliminate discharges of hazardous substances which may be harmful to the **marine** environment.

(4) Enforces Department of Transportation regulations governing transportation of hazardous materials by commercial vessel.

(5) Develops and enforces anchorage Regulations; designates port access routes; regulates drawbridges operations.

(6) Maintains capability to respond to emergencies and manage crises in all U.S. ports and waterways.

c. To carry out these responsibilities, each COTP is empowered to:

(1) Identify those Federal, state, civil, and private agencies with whom coordination will be **required** during national defense emergencies.

(2) Participate in local port readiness committees to accomplish the goals of the multi-agency MOU; and

(3) Enter into local memoranda of understanding with involved agencies, outlining each agency's responsibilities for the port(s) under his jurisdiction.

d. OPR for this Annex is Commandant (G-M), USCG.

### 3. **WAIVERS AND EXEMPTIONS**

a. **National Defense Waivers** When necessary in the interests of national defense, a Coast Guard District Commander or his designated representative may waive compliance with the navigation regulations of 33 **CFR** and the Merchant Vessel Inspection Regulations of 46 **CFR** (with the exception of 46 CFR Part 146). Except in cases of extreme emergency, requests for waivers of compliance must be made in writing and must explain why the urgency of the situation outweighs the marine hazard involved. Procedures for obtaining waivers of compliance are found in 33 CFR Part 19 and 46 CFR Subpart 2.45.

b. **Hazardous Materials Exemptions.** When it is impractical to comply with the marking, packaging, or other provisions of ~~the~~ Hazardous Materials Regulations, 49 CFR Chapter I, or with the regulations governing the storage and handling of military explosives, 46 CFR, Part 146, a shipper may obtain an exemption from Director, **OHMT**. Procedures of applying for **DOT** exemptions are found in 49 CFR, Part 107, Subpart B. Exemptions are authorized if the proposed alternative to the regulatory requirement provides an equivalent **level** of safety or a level of safety consistent with the public interest. An example of a DoT exemption effective during a declared national defense emergency is DOT-E 3498 authorizing shipments of fueled motor vehicles loaded with ammunition.

c. **Alternative Stowage and Handling Procedures** On a "one-ship one-time" basis, a COTP **may authorize in** writing the use of an alternative stowage location or method of handling or stowing **military** explosives or **other** hazardous materials. The COTP must be satisfied that it is impracticable to comply with an existing regulation, and that the alternative location or method provides an equivalent **level** of safety.